

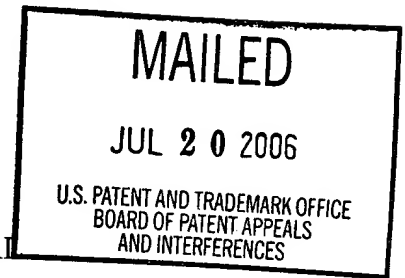
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: STEFAN GEORG HILD and SANDEEP K. SINGHAL

Application No. 09/532,937

ORDER RETURNING UNDOCKETED APPEAL



This application was received at the Board of Patent Appeals and Interferences on June 1, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On January 12, 2006, an Order Returning Undocketed Appeal was mailed with a courtesy copy mailed to appellant. The Order Returning Undocketed Appeal directed the Examiner to:

- consider and properly response to the Information Disclosure Statements filed June 24, 2005;
- hold the Appeal Brief filed December 22, 2004, defective;
- to notify appellant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;

- to vacate the Examiner's Answer mailed May 5, 2005, to consider the Supplemental Appeal Brief, and submit a revised Examiner's in accordance with the new rules effective September 13, 2004.

In response to the Order Returning Undocketed Appeal mailed January 12, 2006, the appellant filed a Supplemental Appeal Brief on February 2, 2006.

It is clear from the record, that in response to the Order Returning Undocketed Appeal mailed January 12, 2006, the examiner did consider the Information Disclosure Statement dated June 24, 2004. However, it is not clear from the record that the examiner vacated the Examiner's Answer mailed May 5, 2005 or considered the Supplemental Appeal Brief filed February 2, 2006. Clarification of the record is required.

CONCLUSION

Accordingly, it is

Ordered that the application is returned to the Examiner to:

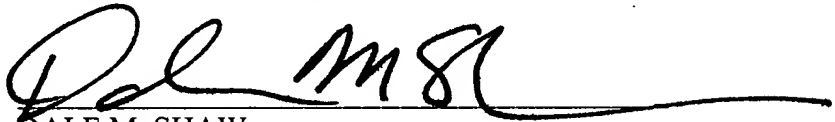
- 1) vacate the Examiner's Answer mailed May 5, 2005;
- 2) consider the Supplemental Appeal Brief filed February 2, 2006 and submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and

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3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Dale M. Shaw", with a long horizontal flourish extending to the right.

DALE M. SHAW
DEPUTY CHIEF APPEAL ADMINISTRATOR
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DMS/dpv

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